

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an appeal under clause 14 of
the First Schedule to Act

BETWEEN

MERIDIAN ENERGY LIMITED

ENV-2011-AKL-000250

Appellant

AND

KAIPARA DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Acting Principal Environment Judge L J Newhook sitting alone under section 279 of the Act.

IN CHAMBERS at Auckland.

CONSENT ORDER

Introduction

1. The Court has read and considered the appeal and the Memorandum of the Parties dated 17 July 2012.
2. Director-General of Conservation, Northpower, Federated Farmers of New Zealand and Horticulture New Zealand have given notice of an intention to become parties to this appeal under section 274. However, none of those parties has an interest in the appeal point which is the subject of this order.
3. The Court is making this order under section 279(1)(b) of the Act by consent, rather than representing a decision or determination on the merits pursuant to section 297 of the Act. The Court understands for present purposes that:



- (a) The parties to this appeal under section 274 of the Act have not signed the accompanying Memorandum as they have not expressed an interest in the appeal point to which this order relates;
- (b) The appellant and respondent are requesting this order; and
- (c) Those parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.
- (d) The parties are aware that the consent order is a partial settlement of the appeal.

Order

4. Therefore, the Court orders, by consent, that points 37 and 38 of the appeal, being point 17 of the appeal on the Council's Appeals Summary Table, are resolved to the extent that the Kaipara District Council is directed to amend its Proposed Kaipara District Council Plan ("**Proposed Plan**") by:

- (a) Amending the first sentence of each of the provisions of the Proposed Plan dealing with the matters for control for controlled subdivision activities listed in schedule 1 to this Order, to read as follows:

"Where an activity is a Controlled Activity under this Rule, the following are the matters over which the Council reserves its Control:"

- (b) Amending the first sentence of each of the provisions of the Proposed Plan dealing with the assessment criteria for controlled activities listed in schedule 2 to this Order, to read as follows:

"Where an activity is not permitted by this Rule, the following are the matters over which the Council reserves its Control:"



- (c) Amending the first sentence of each of the provisions of the Proposed Plan dealing with the matters for discretion for restricted discretionary subdivisions listed in schedule 3 to this Order, to read as follows:

"Where an activity is a Restricted Discretionary Activity under this Rule, Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent:"

- (d) Amending the first sentence of each of the provisions of the Proposed Plan dealing with the assessment criteria for restricted discretionary activities, listed in schedule 4 to this Order, to read as follows:

"Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:"

5. The remainder of the appeal is extant.
6. There is no order as to costs in relation to this order.

DATED at Auckland this *20* day of *August* 2012



L J Newhook
Acting Principal Environment Judge



SCHEDULE 1

Provisions of the Proposed Plan relating to matters for control for controlled subdivision activities.

Rural	Residential	Business	Maori Land	Treaty Settlement
12.12.1	13.11.1	14.11.1		15B.11.1
12.12.2	13.11.2	14.11.2		15B.11.2
12.12.3	13.11.3			15B.11.3

SCHEDULE 2

Provisions of the Proposed Plan relating to assessment criteria for controlled activities resulting from non-compliance with performance standards. .

Rural	Residential	Business	Maori Land	Treaty Settlement
12.10.22	13.10.22	14.10.22	15A.10.21	15B.10.21

SCHEDULE 3

Provisions of the Proposed Plan relating to matters for discretion for restricted discretionary subdivision activities.

Rural	Residential	Business	Maori Land	Treaty Settlement
12.13.1	13.12.1	14.12.1		15B.12.1
12.13.2				15B.12.2
12.13.3				15B.12.3
12.14.1				15B.13.1



SCHEDULE 4

Provisions of the Proposed Plan relating to assessment criteria for restricted discretionary activities, either land use or subdivision, where the restricted discretionary classification applies as a result of non-compliance with the relevant performance standards.

Rural	Residential	Business	Maori Land	Treaty Settlement
12.10.1	13.10.1	14.10.1	15A.10.1	15B.10.1
12.10.2	13.10.2	14.10.2	15A.10.2	15B.10.2
12.10.4	13.10.4	14.10.5	15A.10.4	15B.10.4
12.10.5	13.10.5	14.10.6	15A.10.5	15B.10.5
12.10.6	13.10.6	14.10.7	15A.10.6	15B.10.6
12.10.7	13.10.7	14.10.8	15A.10.7	15B.10.7
12.10.8	13.10.8	14.10.9	15A.10.8	15B.10.8
12.10.9	13.10.10	14.10.10	15A.10.9	15B.10.9
12.10.10	13.10.11	14.10.12	15A.10.10	15B.10.10
12.10.11	13.10.12	14.10.13	15A.10.11	15B.10.11
12.10.13	13.10.13	14.10.18	15A.10.17	15B.10.17
12.10.18	13.10.18	14.10.23	15A.10.22	15B.10.22
12.10.23	13.10.23	14.10.24	15A.10.23	15B.10.23
12.10.24	13.10.24	14.10.25	15A.10.24	15B.10.24
12.10.25	13.10.25	14.10.26	15A.10.25	15B.10.25
12.10.26	13.10.26	14.10.27	15A.10.26	15B.10.26
12.10.27	13.10.27	14.10.28	15A.10.27	15B.10.27
12.10.28	13.10.28			15B.14.7
12.10.30	13.10.29			15B.14.8
12.15.7				
12.15.8				
12.15.13				



